

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)
_____)
)

THIS DOCUMENT RELATES TO:)

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc., et al. v. Abbott)
Laboratories, Inc., Civil Action No. 06-)
11337-PBS;)
)

MDL No. 1456

Civil Action No. 01-12257-PBS

Hon. Patti B. Saris

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc., et al. v. Dey, Inc., et)
al., Civil Action No. 05-11084-PBS; and)
)

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc., et al. v. Boehringer)
Ingelheim Corp., et al., Civil Action No. 07-)
10248-PBS)
)

MARCH 2008 STATUS REPORT OF THE UNITED STATES AND THE RELATOR
VEN-A-CARE OF THE FLORIDA KEYS

The United States of America (“United States”) and Ven-A-Care of the Florida Keys, Inc. (“Ven-A-Care” or the “Relator”), Plaintiffs, through their undersigned counsel, respectfully file the attached Status Report for March 2008, in accordance with the Court’s June 17, 2004, Procedural Order.

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc., v. Abbott Laboratories, Inc. MDL Docket Number 06-11337 Original Jurisdiction: U. S. District Court Southern District of Florida		
Item No.	Pending Motions	Hearing Date
1.	<p>(Docket #4469) Abbott Laboratories Inc.'s Motion to Dismiss or Partially Dismiss the United States' First Amended Complaint</p> <p>(Docket #4470) Abbott Laboratories Inc.'s Memorandum in Support of its Motion to Dismiss or Partially Dismiss the United States' First Amended Complaint</p> <ul style="list-style-type: none"> • (Docket # 4661) The United States' Opposition to Abbott Laboratories Inc.'s Motion to Dismiss • (Docket # 4662) Relator's Opposition to Abbott Laboratories, Inc.'s Motion to Dismiss or Partially Dismiss the United States' First Amended Complaint • (Docket # 4720) Abbott Laboratories, Inc.'s Reply Memorandum in Support of its Motion to Dismiss or Partially Dismiss the United States First Amended Complaint • (Docket # 4749) The United States' SurReply to Abbott Laboratories, Inc.'s Reply Memorandum in Support of its Motion to Dismiss 	November 5, 2007
2.	<p>(Docket #4711) Abbott Laboratories, Inc.'s Motion for Preservation Order and Affidavit Regarding Spoliation Issues</p> <ul style="list-style-type: none"> • (Docket #4744) United States Unopposed Motion to Enlarge Time • (Docket #4808) United States' Response to Defendant Abbott's Motion for a Preservation Order • (Docket #4820) Abbott Laboratories, Inc.'s Unopposed Motion for Leave to File a Reply Memorandum in Support of Its Motion For a Preservation Order and Affidavit Regarding Spoliation Issues • (Docket #4883) Abbott Laboratories, Inc.'s Renewed Motion for Leave to File a Reply Memorandum In Support of Its Motion For a Preservation Order and Affidavit Regarding Spoliation Issues 	

3.	<p>(Docket #4878) United States' Motion for Leave to File Its First Amended Complaint</p> <ul style="list-style-type: none"> • (Docket #4889) Abbott Laboratories Inc.'s Opposition to the United States' Motion for Leave to File Its First Amended Complaint • (Docket #4907) The United States' Motion for Leave to File a Reply to Abbott Laboratories Inc.'s Opposition to the United States' Motion to Amend 	
4.	<p>(Docket #5035) Abbott Laboratories, Inc.'s Motion to Compel Ven-A-Care to Provide Adequate Responses to Abbott's Fourth Set of Interrogatories</p> <ul style="list-style-type: none"> • (Docket #5057) Ven-a-Care's Opposition to Abbott Laboratories, Inc.'s Motion to Compel Ven-A-Care to Provide Adequate Responses to Abbott's Fourth Set of Interrogatories 	
5.	<p>(Docket #5043) United States' Objections to January 31, 2008 Order by Magistrate Judge Bowler Regarding the Depositions of Miles White, Richard Gonzalez, Duane Burnham and Thomas Hodgson</p> <ul style="list-style-type: none"> • This is an appeal of an Order rendered by Magistrate Judge Bowler on January 31, 2008. • The order from which this appeal is taken arose from three protective order motions filed by Abbott to prevent the depositions of Mr. Gonzalez, Mr. White, Mr. Burnham and Mr. Hodgson. (Docket #4692, #4774, and #4781) • (Docket #5095) Response of Abbott Laboratories Inc., Miles D. White, Duane L. Burnham, Thomas R. Hodgson, and Richard A. Gonzalez 	

6.	<p>(Docket #5045) United States' Objections to January 31, 2008 Rulings by Magistrate Judge Bowler re Abbott's Document Production</p> <ul style="list-style-type: none"> • This is an appeal of in-court rulings of Magistrate Judge Bowler rendered on January 31, 2008. • The order from which this appeal is taken arose from the United States' Third Motion to Compel the Production of Documents from Abbott Laboratories Inc. and to Require that Abbott De-Designate Non-Confidential Information, filed on October 15, 2007. (Docket #4800) • (Docket #5096) Response of Abbott Laboratories 	
7.	<p>(Docket #5046) United States' Objections to Magistrate Judge Bowler's Interpretation of this Court's December 18, 2007 Electronic Order re Discovery Deadline</p> <ul style="list-style-type: none"> • This is an appeal of an in-court ruling of Magistrate Judge Bowler rendered on January 31, 2008. • The order from which this appeal is taken arose from the United States' Motion for Enlargement of Time to Complete Discovery, filed 12/04/07. (Docket # 4923). See Abbott Laboratories, Inc.'s Response to the United States' Motion for Enlargement of Time to Complete Discovery, filed 12/10/07. (Docket #4936) • (Docket #5091) Response of Abbott Laboratories • (Docket #5097, #5098 and #5099) Response of Omnicare, Inc. 	
8.	<p>(Docket #5051) Abbott Laboratories, Inc.'s Objections to Magistrate Judge Bowler's February 1, 2008 Orders</p> <ul style="list-style-type: none"> • This is an appeal of two Orders rendered by magistrate Judge Bowler on February 1, 2008. • The orders from which this appeal is taken arose from three related Abbott motions to compel. (Docket #4790, #4892 and #4901) • (Docket #5103) Memorandum in Response by United States 	

	United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc., et al., MDL Docket No. 05-11084-PBS Original Jurisdiction: United States District Court, District of Massachusetts	
Item No.	Pending Motions	Hearing Date
1.	None pending.	

	United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al., MDL Docket No. 07-10248-PBS Original Jurisdiction: United States District Court, District of Massachusetts	
Item No.	Pending Motions	Hearing Date
1.	None pending.	

Respectfully Submitted,

For the United States of America,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above "MARCH 2008 STATUS REPORT OF THE UNITED STATES AND THE RELATOR VEN-A-CARE OF THE FLORIDA KEYS" to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

s/ Mark Lavine

Dated: March 1, 2008